

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

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DEBORAH ADAMS,

Plaintiff,

v.

Civil Action No.: \_\_\_\_\_

Jury Demanded

K & B TRANSPORTATION, INC.,

Defendant.

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COMPLAINT FOR DAMAGES

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**COMES NOW** the Plaintiff, Deborah Adams, by and through counsel, and files this Complaint for Damages against the Defendant, K & B Transportation, Inc., and for cause of action shows the Court the following:

PARTIES

1. Plaintiff, Deborah Adams, is an adult resident citizen of Rialto, San Bernadino County, California.
2. Defendant, K & B Transportation, Inc., is a Nebraska for-profit corporation with its place of incorporation and its principal place of business in Nebraska.
3. Defendant, K & B Transportation, Inc., is authorized to do business as a motor transportation line for the conveyance of goods for hire over the highways of the State of Tennessee.
4. Defendant, K & B Transportation, Inc.'s agent for service of process is Brock Ackerman, who may be served at 4700 Dakota Avenue, South Sioux City, Nebraska 68776.

## JURISDICTION AND VENUE

5. Jurisdiction of the this matter is based on diversity of citizenship pursuant to 28 U.S.C. § 1332(a)(1).

6. The amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs and is between citizens of different states.

7. Venue of this matter is controlled by 28 U.S.C. § 1391(a) & (c).

8. All events complained of occurred in Nashville, Davidson County, Tennessee.

## FACTS

9. Upon information and belief and at all times pertinent to this Complaint, Defendant, K & B Transportation, Inc. owned, managed and/or controlled the operation of its eighteen-wheel tractor-trailer on September 5, 2010.

10. On or about September 5, 2010, at approximately 3:55 p.m., Plaintiff, Deborah Adams, was a passenger on an airport shuttle bus in route from the Nashville International Airport to Chattanooga, Tennessee.

11. Upon information and belief, Defendant K & B Transportation's tractor-trailer sideswiped the airport shuttle bus as they both travelled westbound on I-24 in Rutherford County, Tennessee.

12. Upon Defendant K & B Transportation colliding with the shuttle bus, Plaintiff Deborah Adams was injured and suffered personal injuries that required medical attention.

## CAUSE OF ACTION

### NEGLIGENCE

13. Plaintiff repeats the allegations contained in paragraphs 1-12 as though set forth verbatim.

14. Defendant, K & B Transportation, its employee and/or agent, was guilty of one or more of the following acts of common law negligence, each and every one of which were a direct and proximate cause of the injuries herein complained of, to-wit:

- a. Negligent in failing to use that degree of care and caution in the operation of his vehicle as is required of a reasonable and prudent person under the same or similar circumstances existing at the time and place of the aforementioned collision;
- b. Negligent in failing to maintain a proper look out for other vehicles;
- c. Negligent in failing to devote full time and attention to the operation of a vehicle;
- d. Negligent in failing to bring and/or keep his vehicle under proper control when he saw, or in the exercise of reasonable care should have seen, that a collision was imminent; and
- e. Negligent in failing to prevent the accident and Plaintiffs' injuries and damages when he knew, or in the exercise of ordinary care should have known, that a collision was imminent.

**NEGLIGENCE *PER SE***

15. Defendant, K & B Transportation, its employee and/or agent, was guilty of violating one or more of the following statutes of the State of Tennessee, each and every such statute being in full force and effect at the time and place of the collision complained of, each and every such violation constituting a separate and distinct act of negligence *per se*, and each and every such act constituting a direct and proximate cause of the Plaintiffs' injuries and damages, to-wit:

- (a) Tenn. Code Ann. § 55-8-136. Drivers to exercise due care.

## DAMAGES

16. The Plaintiff repeats the allegations contained in paragraphs 1-15 as though set forth verbatim.

17. As a direct and proximate result of the negligence of the Defendant, K & B Transportation, its employee and/or agent, Plaintiff Deborah Adams incurred medical expenses.

18. As a direct and proximate result of the negligence of Defendant, K & B Transportation, its employee and/or agent, Plaintiff Deborah Adams suffered injuries both temporary and permanent in nature.

19. As a direct and proximate result of the negligence of Defendant, K & B Transportation, its employee and/or agent, Plaintiff Deborah Adams was subjected to severe pain and suffering and emotional trauma.

## RELIEF SOUGHT

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays:

1. That Plaintiff be awarded the present cash value of any medical care and treatment that she may undergo;
2. That Plaintiff, Deborah Adams, be awarded special damages for medical, hospital and doctors expenses incurred, according to proof;
3. That Plaintiff be awarded compensatory damages in the amount of Five Hundred Thousand Dollars (\$500,000.00);
4. That Plaintiff be awarded post-judgment interest as allowed by law;
5. That a jury be empanelled to try the issues when joined; and

6. Such further relief as the Court may deem just and equitable.

Respectfully submitted,

s/ David A. McLaughlin

David A. McLaughlin (TN B.P.R. #15561)

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